

**ORWIGSBURG BOROUGH
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 440

**AN ORDINANCE AMENDING AND RESTATING THE BURNING
ORDINANCE OF THE BOROUGH OF ORWIGSBURG;
PROVIDING DEFINITIONS; PROHIBITING BURNING WITHIN
THE BOROUGH SUBJECT TO CERTAIN ENUMERATED
EXCEPTIONS AND CONDITIONS THERETO, INCLUDING
REQUIREMENTS FOR PERMITS; PROVIDING PENALTIES FOR
VIOLATIONS THEREOF; AND PROVIDING FOR REPEALERS,
SEVERABILITY AND THE EFFECTIVE DATE.**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to protect and promote the health, safety, and welfare of the residents of the Borough of Orwigsburg.

SECTION 2. Definitions – Word Usage. As used in this Ordinance, the following terms shall have the meaning indicated:

A. Clean Wood - Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure-treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

B. Outdoor Wood-Fired Boiler - A wood-fired boiler, stove or furnace that is not located within a building, intended for the heating purposes of habitation by humans or domestic animals.

C. Patio Wood-Burning Unit - A chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

D. Refuse - Any waste material, garbage, animal carcasses, and trash or household materials, except trees, logs, brush, stumps, leaves, and other vegetative matter.

SECTION 3. Open Burning.

A. Within the municipal limits of the Borough, no person shall kindle, set, start, ignite, maintain or permit the kindling, setting, starting, ignition or maintenance of any open burning outside of any building for any purpose at all, including, by way of example and not by way of limitation, any junk fire, refuse fire, open fire, or a fire ignited to burn brush, grass, wood, leaves, paper, rubbish, garbage, construction materials and the like.

B. Open burning that will be offensive or objectionable due to smoke or odor emissions due to atmospheric conditions or local circumstances shall be prohibited. The Borough Code Enforcement Officer or Borough Fire Chief is authorized to order the extinguishment of any open burning which creates or adds to a hazardous or objectionable situation. The Borough Fire Chief or Borough Code Enforcement Officer may ban open burning within the Borough when atmospheric conditions result in the potential for wildfires that may spread from their source due to dry vegetative or plant conditions.

C. Exceptions. The prohibition against open burning above, shall not apply to any fire started or ignited:

1. For the purpose of instructing firefighting personnel under the supervision of the fire chief or officer in charge. However, fire for firefighting training may not be used when atmospheric conditions would create a situation of offensive or objectionable smoke or odor on other premises;

2. For outdoor cooking of food in or on an Underwriters Laboratory (UL) approved open flame cooking device, solely intended for the cooking of food, and in strict adherence with the manufacture's specifications and the 2006 International Fire Code. Units not approved by Underwriters Laboratory (UL) must be approved by the Borough Fire Chief and used in strict adherence with manufacturers specifications and the 2006 International Fire Code.

3. For use of patio wood burning units that are approved by the Underwriters Laboratory (UL) under the following conditions:

i. The patio wood burning unit is approved by the Underwriters Laboratory (UL)

ii. Under no circumstances shall trash, garbage, leaves, brush, branches or hazardous materials be used in the ignition of these devices; the burning of clean wood only is permitted.

iii. The use of a patio wood burning unit is used in accordance with manufacturer's specifications and the 2006 International Fire Code.

iv. The patio wood burning unit while in use must be ignited, attended and extinguished by an adult (18 years or older). A minimum of one portable fire extinguisher or other approved on-site fire-extinguishing equipment such as a bucket of water or garden hose shall be available for immediate utilization

v. Patio wood burning units not approved by Underwriters Laboratory (UL) must be approved by the Borough Fire Chief and used in strict adherence with manufacturers specifications and the 2006 International Fire Code.

D. Exceptions Requiring Permit from Borough Fire Chief. The prohibition against open burning above, shall not apply to any fire started or ignited:

1. For use of a masonry home built units under the following conditions:

i. The existing masonry home built unit has been inspected and approved by the Borough Fire Chief.

ii. Under no circumstances shall trash, garbage, leaves, brush, branches or hazardous materials be used in the ignition of these devices: The burning of clean-wood only is permitted.

iii. The outdoor fireplace must be ignited, attended and extinguished by an adult (18 years of age or older). A minimum of one portable fire extinguisher or other approved on-site fire-extinguishing equipment such as a bucket of water or garden hose shall be available for immediate utilization.

iv. The owner of a new masonry home built unit shall obtain a permit from the Code Enforcement Officer prior to any installation and the final installation shall be inspected by the Code Enforcement Official and only put into operation with written approval from the Borough's Code Enforcement Officer. The purpose of the Code Enforcement Officer inspection will only be to ensure compliance with this ordinance and shall not be considered a safety inspection.

2. Outdoor wood-fired boilers installed as of the effective date of this Ordinance ("grandfathered") may be operated and used only in accordance with all of the following conditions:

i. The outdoor wood-fired boiler shall not be used to burn refuse and shall be used to burn clean wood only.

ii. Shall be located at least 100 feet from the nearest residential dwelling which is not on the same property as the outdoor wood-fired boiler.

iii. Shall have a chimney that extends at least 15 feet above the ground surface or 3 feet above the building it serves, whichever is greater. In addition, the chimney shall extend 3 feet above the highest peak of any residence located within 500 feet from the wood-fired boiler. The Fire Chief or designee may approve a lesser height on a case-by-case basis if, in the opinion of the Fire Chief or designee, it is necessary to comply with manufacturer's recommendations and if a lower chimney height does not create a nuisance to neighbors.

iv. The owner of the outdoor wood-fired boiler shall obtain a permit from the Code Enforcement Officer prior to any maintenance and the completed upgrades shall be inspected by the Code Enforcement Officer; only put into operation with written approval from the Borough's Code Enforcement Officer. The purpose of the Code Enforcement Officer inspection will only be to ensure compliance with this ordinance and shall not be considered a safety inspection.

E. Exceptions Requiring Permit from Borough Fire Chief. The prohibition against open burning above, shall not apply to any fire started or ignited:

1. To prevent or abate a fire hazard;

2. For the prevention and control of disease or pests;
3. Solely for ceremonial purposes, such as a bonfire;

provided, however, that a permit shall be obtained from the Borough Fire Chief prior to kindling a fire to prevent or abate a fire hazard, for the prevention and control of disease or pests and for ceremonial purposes, such as a bonfire. When required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified are followed. The location for 1, 2, and 3 above shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including without limitation Borough Ordinance No. 269.


SECTION 5. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

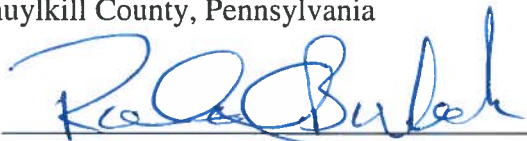
SECTION 6. This Ordinance shall become effective upon enactment.

ENACTED and ORDAINED into an ordinance this 12th day of August, 2020, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

ATTEST:


Sherry Edwards, Borough Secretary

By: 
Richard Bubeck, President of Council

EXAMINED and APPROVED this 12th day of August, 2020.


Barry J. Berger, Mayor, Borough of Orwigsburg